



**Agenda Item Number: 2006-3-6H**

## **BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS**

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**Meeting Date:** March 14, 2006

**Department:** Infrastructure Planning and Geo Resources    **Staff Contact:** Tim West, Deputy County Manager for Public Works  
Steve Miller, Department Director  
Raymond Orona, Rights of Way Manager

**TITLE:** Acquisition of Property for the South Valley Water System Expansion Project

**ACTION:** Motion to approve the acquisition of property by condemnation or settlement action for rights-of-way from Price's Valley Gold Dairies Inc.

### **SUMMARY:**

This property is needed as permanent rights-of-way and as temporary rights-of-way for construction of the South Valley Water System Expansion Project. The condemnation action consists of payment for Easement A of 1.7301 acres, Easement B of 1.9131 acres and a temporary construction permit (TCP) of 2.399 acres with no damages to the vacant lot. Any additional rights-of-way requirements at construction shall upgrade value accordingly for condemnation or settlement.

The property being taken was appraised and an offer to purchase was made accordingly. The owner rejected the offer. Continued negotiations have failed to produce settlement and it is therefore necessary to condemn this property to secure possession for construction purposes. The Right of Way Section and the Real Estate Committee have considered the necessity for condemnation action and recommend that the County proceed. The details for the appraised values of this right-of-way taking are as follows:

Summary of fair market value and offer for Land:

Easement A, 1.7301 acres @ \$23,000/acre x 50%	=	\$19,900.00
Easement B, 1.9131 acres @ \$23,000/acre x 50%	=	22,000.00
TCP, 2.399 acres @ \$23,000/acre x 10%	=	<u>5,550.00</u>

**TOTAL DUE FOR DEPOSIT TO THE  
CLERK OF THE DISTRICT COURT**

**\$47,450.00**

### **ATTACHMENTS:**

1. Parcel Descriptions
2. Zone Atlas page
3. Valuation Analysis
4. Real Estate Committee Condemnation Approval

### **FISCAL IMPACT**

South Valley Water Expansion Project	BC63 568650 VB30	\$47,450.00
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# STAFF ANALYSIS SUMMARY

## COUNTY MANAGER

Staff has been unsuccessful in negotiating with the owner to purchase this critical piece of property for the South Valley Water System Expansion Project. I recommend Board approval to proceed with acquisition through condemnation. TL 03/07/2006

## DEPUTY COUNTY MANAGER FOR PUBLIC WORKS

The South Valley Water Expansion Project will, when completed, provide water utility service to 3700 homes. The project is dependent on the transmissions of excess capacity water east of the Rio Grande to the West side in an alignment of Broadway and Bobby Foster Road across the river to the Pajarito Road alignment. The initial alignment design considered using Lagunitas SW and requiring a small easement from the Price's just prior to the Rio Grande East bank. Upon contract with the Price's, they were in favor of granting an easement across the Northern boundary of their land and I suggested such to Public Works. Analysis of the proposed alignment determined a substantive cost savings over the Lagunitas alignment and earnest negotiations commenced to secure the easement. The negotiations were long but appeared to be moving to an agreeable arrangement. The ABCWUA requires a 30-foot wide easement in which to repair and maintain the transmission line when constructed. The Price's would not agree to an easement wider than 20 feet but is not acceptable to the ABCWUA. Including the additional 10 ft., the length of the property amounts to approximately 1 acre in size, amid the 650 acres the Price's own. The Price's informed negotiating staff during discussions that unless the County secured the easement the full length of their Northern property boundary, they would require the County to condemn the smaller area needed adjacent to the river's edge. As we have been unable to negotiate to a reasonable conclusion, I recommend the Board approve this action to approve the acquisition of property by condemnation or settlement. TW 3/1/06

## LEGAL

The proposed action complies with applicable law. JSL 03/1/06

## FINANCE

<b>Budget</b>	Approval will allow the County to acquire the property. The funding is available from bond funds in the line item noted above. Amy Childers, Financial Specialist 2/21/06
<b>Purchasing</b>	No comment required as the acquisition of Real Property is not covered by the provisions of the State Procurement Code per Section 13-1-30 NMSA 1978. R. Suazo, Purchasing Administrator 2/24/06
<b>Contracts</b>	No comment required as no contract is being routed. Rosanna Suazo, Purchasing Administrator 2/24/06
<b>Risk Management</b>	No comment required. David Baca, Risk Management 2/21/06